

**WRITTEN TESTIMONY IN SUPPORT OF RAISED HOUSE BILL 6507:
"AN ACT CONCERNING A SLIDING TUITION SCALE FOR PRESCHOOL
PROGRAMS OFFERED AT INTERDISTRICT MAGNET SCHOOL PROGRAMS."**

By Mark J. Sommaruga, Esq.

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To Co-Chairs Fleischmann and Stillman and the members of the Education Committee:

My name is **Mark J. Sommaruga**. I am a member of the law firm of Sullivan, Schoen, Campana & Connon, LLC of Hartford, which represents numerous school districts in Connecticut. Along with Attorney Zachary D. Schurin, who is an associate with my firm, I represented several school districts in the case of Regional School District No. 10, et al. v. State of Connecticut Department of Education, which concerned the issue of whether Connecticut school districts are obligated to pay the tuition costs of local resident students that attend preschool magnet schools. I hereby offer my support to **Raised House Bill 6507, "An Act Concerning A Sliding Tuition Scale For Preschool Programs Offered At Interdistrict Magnet School Programs."**

While local and regional school districts are required to provide preschool services to students requiring special education and related services, such school districts are generally **not** responsible under Connecticut law for educating non-special education preschool students. As such, most school districts do not offer "universal" (or free) preschool services for their students. This is not an attack on the benefits of preschool education. However, school districts are increasingly cash-strapped; indeed, some of these school districts have been struggling to institute and maintain full-day kindergarten programs.

The State Department of Education initially determined that school districts were responsible for paying for the tuition of preschool students attending magnet school programs, regardless of whether a school district regularly provides preschool services to its own students. Numerous school districts were upset that they could not afford to operate preschool programs for their own students, but were now having to pay preschool tuition for a select group of resident students. They felt that children who may be enrolled by their parents in magnet schools should not be favored over or derive a benefit that is not offered to their counterparts in the local school district; in addition, such districts then had even less resources to expend on the education of their own students.

Several school districts (led by Regional School District No. 10, along with the Newington, Ellington, New Hartford, and Barkhamsted Boards of Education and Regional School District No. 16) then petitioned the State Department of Education to issue a declaratory ruling in order to challenge, among other things, the State's determination with regard to their obligation to pay the tuition for preschool magnet school programs. On August 6, 2012, the hearing officer appointed by the State Department of Education issued her decision, which was approved and adopted by the State Board of Education on September 5, 2012. Regional School District No. 10, et al. v. State of Connecticut Department of Education, Declaratory Relief Case No. 11-1. The hearing officer held that under Connecticut law, school districts could not be legally required to pay tuition for resident students attending magnet preschool programs.

The Region 10 decision effectively eliminated the unfunded state mandate of requiring local and regional school districts to pick up the tab for preschool magnet school tuition. However, on December 19, 2012, the General Assembly opted to re-legislate the issue by including statutory language in the deficit mitigation bill (Public Act 12-1, December 2012 Special Session) that put the burden of preschool magnet school tuition squarely back on the shoulders of local and regional school districts. While the Capitol Regional Education Council ("CREC") graciously agreed not to charge tuition to these school districts for its preschool programs for the 2012-2013 school year, there is still the need for a long term solution to this issue.

Without as much as a single public hearing or floor debate on the issue, the General Assembly on December 19, 2012 imposed a significant financial burden on local and regional school districts. Indeed, several legislators have indicated that they did not even realize the magnet preschool tuition consequences of voting for the deficit mitigation bill. As a result, at least a dozen bills have been proposed during the 2013 session of the General Assembly to repeal the December imposition of the obligation upon school districts to pay preschool magnet school tuition.

It would be best if this latest unfunded mandate simply disappear and school districts be granted some much needed fiscal relief. It is categorically unfair to now foist the responsibility for payment of preschool magnet school tuition on local and regional school districts, who are cashed-strapped and struggling to keep up with the mandates imposed upon them by others; this is especially true in light of the haphazard way that we finance education in general and early childhood education in particular. Frankly, the State should not be able to casually shift financial responsibility for these magnet school expenses from itself to local and regional school districts.

Nevertheless, in the meantime, and as part of what I hope will eventually be a comprehensive solution to the preschool magnet school funding issue (along with education funding in general), I hereby offer my support to **Raised House Bill 6507**. This bill would permit magnet school operators to charge tuition to parents/guardians of students enrolled in preschool programs in accordance with a sliding tuition scale based upon family income developed by the Department of Education in consultation with the Department of Social Services.

It almost goes without saying that, as a matter of public policy, preschool services are a positive force for students. This is especially true for those disadvantaged students, whose parents are struggling to make ends meet and do not have the resources to pay for early childhood services (whether daycare, nursery school or preschool services). However, especially in these times of scarce public resources, there are circumstances where it is appropriate to charge magnet preschool tuition to the parents, as there is no right under law to preschool education, and since students that have not been enrolled in magnet preschools generally do not have access to free preschool services. The solution envisioned by **Raised House Bill 6507** would ensure that the benefits of free preschool education go to those who need them the most, while hopefully providing some relief to school districts trying their best to survive on tight budgets.

Thank you for your time and consideration. If you should have any questions, please feel free to contact me via phone (860-233-2141) or e-mail (msommaruga@sscc-law.com).